

Local Government Employee-Management Relations Board E-Newsletter

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Members of the Board

Philip E. Larson, Chairman

Sandra Masters, Vice-Chairman

Brent C. Eckersley, Esq., Board Member

Staff

Bruce K. Snyder, Commissioner

Yvonne V. Martinez, Board Secretary

On the Horizon

At its May meeting the Board approved keeping the assessment fee at \$6.75 per employee. Invoices will be issued on Monday, June 2nd and the payments will be due by the end of July.

The next meeting of the Board will be held June 10th through 12th in Carson City. The agenda, which will be finalized on June 2nd, may at that time be viewed on our website at www.emrb.state.nv.us. Friday, May 30th will be the deadline for the submission of any documents for that meeting. The main hearing for this Board meeting is July Wright v. Lyon County, which involves allegations of discrimination and retaliation.

There will be no meeting in July.

The August meeting is scheduled for August 19th through 21st and will be held in Las Vegas.

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In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

A1-046099, July Wright v. Lyon County is scheduled for hearing in June in Carson City. See above for the description of this case.

A1-045847 - A1-045864, Deborah Boland et al. v. SEIU, Local 1107 & NSEU is scheduled for August in Las Vegas. These eighteen cases involve physicians at UMC who allege that the union breached its duty of fair representation.

In September, the Board is scheduled to be back up north. At that time it will hear A1-046098 Washoe County Principals Assn. v. Washoe County School District in Reno and A1-046105, Douglas County Support Staff Assn. v. Douglas County School District in Carson City.

In the Queue... (cont.)

In October, the Board will be back in Las Vegas to hear the following case:

A1-046091, Jarod Barto et al v. City of Las Vegas

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard.

In Las Vegas:

A1-046054 & A1-046080, North Las Vegas Police Supv. Assoc. v. City of North Las Vegas

A1-046106, Michael Turner v. Clark County School District

A1-046108, Las Vegas City Employees Assoc. & Val Sharp v. City of Las Vegas

A1-046109, Nicholas Eason v. Clark County

In Northern Nevada:

A1-046068, Elko County Employees Association v. Elko County

PLEASE NOTE: The EMRB office will be closed on Thursday, May 15th so that both staff members can attend an all-day training session on how to load data into the agency's new website. Documents can still be filed on that day in Suite 206, Real Estate Project Registration, which is right next door to the EMRB's office. Staff will attempt to return messages during the lunch hour.



*New and Improved EMRB
website coming soon...*

Under Construction

Enterprise IT has completed the framing of our new website, and as mentioned above, we will soon have training on how to load data into the new site. In next month's newsletter we should be able to give you a date for the launching of the new site, which will replace the existing one that has been in effect for years. Once fully loaded we plan on placing a number of items on the new website that do not currently exist on our current site. These include pdf files of all orders, pdf files of all the collective bargaining agreements submitted by the employee organizations, directories of all the local governments and employee organizations, and much more!

We also have final authorization to place all orders on the Nevada Law Library on CD, which is annually issued by the Legislative Counsel Bureau. These orders will be searchable. Moreover, once the index is updated, that too will be on the CD. We are currently in the process of converting all our orders prior to 2001 from pdf back to Word format, which is a technical requirement for the cases to be on that product. We want to thank all of you that commented on this solution. Your comments were very helpful and are much appreciated!

Recent Decisions

*Please note that these summaries are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request.

A1-045418, Water Employees Assoc. v. Las Vegas Valley Water District (Item No. 204)

Although not a recent decision, a proper understanding of this case is necessary to understand the next reported case. In 1988 the EMRB Board held that an employee organization (i.e., union), when negotiating on behalf of two bargaining units, one of which consists of supervisors and the other which does not, may not select members of one such bargaining unit to negotiate on behalf of the other bargaining unit. As stated in the opinion, to allow cross-mingling of bargaining teams could create the very conflicts of interest that separate bargaining units attempt to avoid.

A1-046117, Joint Petitioners Southern Nevada Regional Housing Authority and SEIU, Local 1107 (Item No. 795)

With the background of the above case in mind, the petitioners jointly filed a Petition for Declaratory Order. Our law allows parties to file such petitions, either separately or jointly, in order to obtain direction from the Board prior to embarking down a certain course of action.

The parties inquired as to whether Order No. 204 requires that negotiating sessions be separate for the separate teams. The answer is "no". In response, the Board declared that even though there may be separate bargaining teams for supervisors and non-supervisory employees, nothing in Order No. 204 or the act requires separate bargaining sessions. However, neither are joint negotiating sessions required. They are simply permissible when agreed to both by the employer and all negotiating teams involved and are otherwise reasonable. In this regard, the Board further declared that no party can require or insist upon joint negotiating sessions as a condition to meet and bargain.

Practice Tips

NRS 288.150 contains a laundry list of items that are mandatory subjects of bargaining. In 2011 the legislature amended this statute to add one more subject of mandatory bargaining as subsection (w). It reads:

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

As existing collective bargaining agreements (CBA's) expire and local governments and employee organizations bargain over new or extended CBA's, either party (we anticipate it will be local governments) can present the issue of a reopener clause to be included in the CBA, if the CBA is to be a multi-year contract. The parties then will bargain over the conditions and the procedures for the reopening of the CBA.

"About the EMRB"

The EMRB, a Division of the Department of Business and Industry, is the Nevada state agency involved in the process of collective bargaining and labor relations for local government employers, local government employees and employee associations or unions. Created by Nevada Revised Statute 288, the agency provides resolution of unfair labor practices; resolution of issues related to mandatory bargaining subjects; resolution of disputes related to recognition and determinations regarding appropriate bargaining units. In summary, the law governs concerted activities on the part of local government as it relates to the collective bargaining process. The goal of the EMRB is to foster the collective bargaining process, to provide support to those involved in said process, and to settle disputes as they arise in a neutral and timely manner.